

STATE OF MICHIGAN
COURT OF APPEALS

AMERICAN TOWING, INC., and JOHN T.
FINLEY,

UNPUBLISHED
May 16, 2006

Plaintiffs-Appellees,

v

DOUGLAS ROGERS,

No. 259809
Clinton Circuit Court
LC No. 04-009708-NZ

Defendant-Appellant.

Before: White, P.J., and Fitzgerald and Talbot, JJ.

WHITE, P.J. (*dissenting*).

I respectfully dissent.

Plaintiffs do not challenge defendant's actions taken under Ordinance #140, § 6, removing Finley from the rotation list pending the investigation of the citizen's complaint. Rather, plaintiffs contend that after requesting that Finley take a lie-detector test, which he passed, and purporting to reinstate plaintiffs in the rotation, defendant nevertheless diverted assignments away from plaintiffs in retaliation for plaintiffs' refusal to transfer ownership of abandoned vehicles to defendant personally. I do not agree that defendant was acting within his authority as a matter of law.

/s/ Helene N. White